

**Filed**  
NOV 23 2009  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. 09-70967-RS
	)	
Plaintiff,	)	<sup>25</sup> [Proposed] ORDER CONTINUING THE
v.	)	PRELIMINARY HEARING FROM
	)	NOVEMBER 30, 2009, TO DECEMBER 3,
RUBEN GUTIERREZ-PERAITA,	)	2009, AT 9:30 A.M..
	)	
Defendant.	)	

Good cause appearing and by stipulation of the parties, it is hereby ordered that the preliminary hearing in the above-captioned matter, presently scheduled for November 30, 2009, at 11:00 a.m., be continued to December 3, 2009, at 9:30 a.m.

IT IS FURTHER ORDERED that , and the period of delay from November 30, 2009, to December 3, 2009, is excluded for purposes of Rule 5(c) of the Federal Criminal Procedure.

SO ORDERED.

Dated: November 23, 2009

  
HONORABLE RICHARD SEEBORG,  
United States Magistrate Judge